THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950.

No. XXI OF 1950.

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No. XXI OF 1950.

WHEREAS it is expedient to amend the law regulating the relations of landholders and tenants of agricultural land and the alienation of such land ;

AND WHEREAS it is also expedient to enable land holders to prevent the excessive subdivision of agricultural holdings, to empower Government to assume in certain circumstances the management of agricultural lands, to provide for the registration of Co-operative Farms and to make further provision for matters incidental to the aforesaid purposes ;

IT is hereby enacted as follows :--

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Tenancy and Agricultural Lands Act, 1950.

(2) It extends to the whole of the Hyderabad State.

(3) It shall come into force at once.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " Agriculture " with its grammatical variations and cognate expressions includes :—

(*i*) horticulture,

(*ii*) the raising of crops, grass or garden produce,

(*iii*) dairy farming [†],

(*iv*) poultry farming and stock breedings,† [and]

†[(*v*) grazing] ;

but does not include the cutting of wood only ;

(*b*) " Agriculturist " means a person who cultivates lands personally ;

(*c*) " Agricultural land " means land which is used or is capable of being used for agriculture †[or reserved for growing forests] and includes--

(*i*) fallow land,

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* Published in the Gazette Extraordinary No. 54, dated 10th June, 1950.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

(*ii*) the sites of farm buildings appurtenant to agricultural land, and

(*iii*) the sites of dwelling houses occupied by agriculturists, agricultural labourers or artisans and land appurtenant to such dwelling houses ;

†[(*cc*) "Basic Holding" means a holding the area of which is equal to one-third of the area of the family holding determined under section 4 for the local area concerned];

†[(*d*) "Consolidation of holdings" means the forming of a compact block for a number of scattered plots by redistribution and exchange of holdings or portions thereof in a village or a group of villages ;

†[(*dd*) "Co-operative Society" means a society registered under the provisions of the † Hyderabad Co-operative Societies Act, 1952, or a society deemed to have been registered under the said Act];

(*e*) "Co-operative Farming Society" means a Society registered as such under the † Hyderabad Co-operative Societies Act, 1952 ;

(*f*) "To cultivate" means to carry on any agricultural operation ;

(*g*) "To cultivate personally" means to cultivate on one's own account—

(*i*) by one's own labour, or

(*ii*) by the labour of any member of one's family, or

†[(*iii*) by servants on wages payable in cash or kind, but not in crop share or by hired labour under one's personal supervision, or the personal supervision of any member of one's family];

Explanation.—In the case of an undivided Hindu Family, land shall be deemed to be cultivated personally, if it is cultivated by any member of such family ;

†[(*h*) "Family Holding" means a holding the area of which is equal to the area determined for any class of land under section 4 as the area of a family holding for the class of land of which the holding consists in the local area in which it is situate ;

†(*hh*) "Fragment" means a plot of land of any class the area of which is less than the area of a basic holding determined for that class of land for the local area concerned];

(*i*) "Improvement" means with reference to any land, any work which adds to the value of the land and which is suitable thereto as also consistent with the purpose for which it is held ; and includes—

(*i*) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes ;

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

(*ii*) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water ;

(*iii*) the reclaiming, clearing, enclosing, levelling or terracing of land ;

(*iv*) the erection of buildings on the land required for the convenient or profitable use of such land for agricultural purposes ; and

(*v*) the renewal or reconstruction of any of the foregoing works and such alterations therein or additions thereto as are not of the nature of ordinary repairs ;

but does not include such clearances, embankments, levelling enclosures, temporary wells, water channels and other works as are commonly made by tenants in the ordinary course of agriculture ;

(*j*) " Land " means agricultural land whether alienated or unalienated ; and includes land used for purposes subservient to agriculture and all benefits arising out of such land and things thereon attached to the earth, or permanently fastened to anything attached to the earth ;

(*k*) " Land Revenue Act " means the Hyderabad Land Revenue Act, (VIII of 1317 F.) ;

(*l*) " Lease " includes the counterpart of a lease and a sub-lease ;

(*m*) " Local area " means an area specified as such in a notification issued under section 3 ;

(*n*) " Person " includes an undivided Hindu Family ;

*[(*o*) "permanent alienation " includes any sale, exchange or gift and any transfer of a right of occupancy or of the patta of a holding but does not include any disposition by will;]

(*p*) " prescribed " means prescribed by rules made under this Act ;

†[(*q*) omitted];

(*r*) " Protected tenant " means a person who is deemed to be a protected tenant under the provisions of sections 34 to 37;

(*s*) " Reasonable rent " means the rent determined under section 17 ;

(*t*) " Rent " means any consideration, in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but does not include the rendering of any personal service or labour ;

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* Amended by Act No. XXIII of 1951, published in Gazette Extraordinary No. 32 dated 30th June, 1951.

† Omitted by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated 4th February, 1954.

(*u*) ' Tenancy " means the relationship of land holder and tenant ;

(*v*) " Tenant " means an asami shikmi who holds land on lease and includes a person who is deemed to be a tenant under the provisions of this Act ;

(*w*) " Tribunal " means—

(*i*) the Agricultural Lands Tribunal constituted under sub-section (1) of section 87 for the area concerned ;

(*ii*) where no such Tribunal has been constituted, the Deputy Collector or other officer authorised under sub-section (4) of the said section ;

†[(*x*) "Village Panchayat " means a panchayat constituted under the Hyderabad Village Panchayat Act, 1951];

(*y*) " Year " means any year ending on the 30th day of June or on such other date as Government may, by notification in the Jarida, appoint for any area ;

(*z*) Words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Hyderabad Land Revenue Act, (VIII of 1317 F.).

(2) In any provision of this Act which is expressed by whatever form of words to have effect notwithstanding anything contained in any other law, the reference to any other law shall be read as including only laws with respect to matters enumerated in List II in the Seventh Schedule to the Constitution of India.

CHAPTER II.

†[*Family Holdings.*]

Specification of local areas.

3. Government may by Notification in the Jarida specify and delimit areas each of which shall constitute a local area for the purposes of this Chapter.

Determination of area of Family Holdings.

†[4. (1) Subject to and in accordance with the provisions of this section the Government shall determine in the manner prescribed for all or any class of land in any local area, the area of a family holding which a family of five persons including the agriculturist himself, cultivates personally according to local conditions and practices and with such assistance as is customary in agricultural operations and which area, will yield annually a produce the value of which, after deducting fifty per cent. therefrom as cost of cultivation, is Rs. 800 according to the price levels prevailing at the time of determination.

(2) The Government shall determine the extent of land which shall be regarded as a family holding for each class in each kind of soil in all the local areas which may be determined for the State subject to the limits specified below, shall notify in

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

the Jarida the ' local areas ' and the extents so determined not later than six months from the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, comes into force and shall lay a copy of the Notification before the Legislative Assembly if it is in session, and if it is not in session when it next reassembles.

Limits :—(1) Wet land—Single Crop each year, all kinds of soils :

(*a*) Classification of 8 annas or above	.. 6 Acres
(*b*) All other classes ..	.. 9 Acres
(2) Dry Land :	
(*a*) Black Cotton or laterite soils :	
(*i*) Class I with soil classification of 8 annas or above	.. 24 Acres.
(*ii*) All other classes ..	.. 36 Acres.
(*b*) Chalka soils :	..
(*i*) Class I with soil classification of 8 annas or above	.. 48 Acres.
(*ii*) All other classes ..	.. 72 Acres.

Provided that the Government may, by general or special order direct that the limits of the family holdings specified in this sub-section, shall for any local area be varied if the Government is satisfied that such variation is necessary or expedient for ensuring that the value of produce after deducting fifty per cent. therefrom as cost of cultivation is Rs. 800.]

CHAPTER III.

TENANTS.

General Provisions.

Persons deemed to be tenants.

5. A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the landholder and if such person is not—

(*a*) a member of the landholder's family, or

†[(*b*) a servant on wages payable in cash or kind, but not in crop share or a hired labourer cultivating the land under the personal supervision of the landholder or any member of the landholder's family, or]

(*c*) a mortgagee in possession :

Provided that if upon an application made by the landholder within one year from the commencement of this Act to the Tahsildar within whose jurisdiction the land is situate—

(*a*) the Tahsildar declares that such person is not a tenant and his decision is not reversed on appeal or revision, or

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated, 4th February, 1954.

(*b*) the Tahsildar refuses to make such declaration but his decision is reversed on appeal or revision,

such person, shall not be deemed to be a tenant:

*[Provided further that a sub-tenant cultivating any land belonging to another person on the day on which the Hyderabad Tenancy and Agricultural Lands (Second Amendment) Act, 1951, came into force shall, not withstanding the fact that the creation of the sub-tenancy might have been prohibited by any law for the time being in force, be deemed to be lawfully cultivating the land as a tenant for the purposes of this section.

General prohibition of leases after three years from commencement of Act.

6. After the expiry of three years from the commencement of this Act, no land shall, save as provided in section 7, be leased for any period whatsoever and, save as aforesaid, no tenancy shall be created in respect of any land.

Special cases in which leases are permitted.

†[7. (1) (*a*) Notwithstanding anything contained in section 6, a landholder holding land the area of which is equal to or less than three times the area of the family holding for the local area concerned may lease the land held by him:

Provided that every such lease notwithstanding any agreement to the contrary shall be for a period of five years and at the end of the said period and thereafter at the end of each period of five years in succession, the tenancy shall, subject to the provisions of clauses (*b*) and (*c*) be deemed to be in force for a further period of five years on the same terms and conditions except to the extent that a modification therefor consistently with this Act is agreed to by both parties.

(*b*) The land holder may by giving the tenant at least one year's notice in writing before the end of each of the periods referred to in clause (*a*) terminate, subject to the provisions of section 45, the tenancy in the last year of each of the said periods if he requires the land for cultivating personally:

Provided that the area of the land, the tenancy of which can be so terminated, shall not exceed one family holding for each adult worker in a family.

(*c*) Notwithstanding anything contained in clause (*a*) such tenancy shall, subject to the provisions of sections 27 and 28, be liable to be terminated by the landholder or the tenant on any of the grounds and in the manner provided in section 19.

(2) Notwithstanding anything contained in sub-section (1) and in section 6, a landholder who—

(*a*) is a minor or a female,

(*b*) is permanently incapable of cultivating land by reason of any physical or mental infirmity,

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* Amended by Act No. XXIII of 1951, published in Gazette Extraordinary No. (82), dated 30th June, 1951.

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

(*c*) is serving in the Naval, Military or Air Forces of India,

(*d*) is temporarily prevented by any sufficient cause from cultivating land,

may, after three years from the commencement of this Act, with the permission of the Collector, lease the land held by him for such period as the Collector may fix:

Provided that where the land is held jointly by more than one person, the provisions of this sub-section shall not apply unless all such persons are subject to any disability specified in clause (*a*), (*b*), (*c*) or (*d*):

Provided further that where such disability ceases, by reason of the death of the landholder or otherwise before the expiry of the period of lease fixed by the Collector, the lease shall be terminated within such period as the Collector may appoint.]

Period of leases made within 3 years of commencement of Act.

8. Every lease made within three years from the commencement of this Act shall be for a period of ten years, and not withstanding that it may be expressed to be a lease for a longer or a shorter period shall be deemed to be, and shall have effect as, a lease for ten years:

*[Provided that a landholder who is temporarily prevented by any sufficient cause from cultivating the land may, with the permission of the Collector, lease the land for such period less than 10 years as the Collector may fix.]

Copy of lease to be filed before a Tahsildar.

†[9. Every lease made under section 7 or 8 shall be in writing and the landholder shall and the tenant may file a copy there of in the office of the Tahsildar within thirty days of the date on which the lease is executed.

Summary ejectment of a person in possession of land under void lease.

†10. If in respect of any land a lease is made otherwise than in conformity with the provisions of section 6 or section 9, the Collector may summarily eject any person in possession of the land under such lease if, in his opinion it is necessary to do so to protect the interest of any tenant who previously held the land.

Maximum rent.

†11. (1) Notwithstanding any agreement or usage or any decree or order of the Court, or any law to the contrary, the maximum rent payable by a tenant for a lease in respect of the following classes of land shall be the multiples of the land revenue for the time being in force or if no land revenue is in force the

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*Added by Act No. XXIII of 1951, published in Gazette Extraordinary No. (32), dated 30th June, 1951.

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

land revenue which may be assessed thereon, as shown here under against them—

(*a*) Dry land of Chalka soil	.. 4 times the land revenue.
(*b*) Dry land of Black Cotton Soil	.. 5 times the land revenue.
(*c*) Baghat	.. 5 times the land revenue.
(*d*) Wet land—	
(*i*) Irrigated by wells	.. 3 times the land revenue.
(*ii*) Irrigated by other sources	. 4 times the land revenue.
(*e*) Classes of land which do not fall within the clause (*a*), (*b*), (*c*) or (*d*):	Reasonable rent determined having regard to the classes of land and the rent fixed for the said categories.

Explanation I.—Lands irrigated by wells which are assessed as dry shall be deemed to be wet lands for purposes of this section.

Explanation II.—In the former Non-Diwani areas which have not yet been settled or resettled, the multiples of land revenue payable as rent shall be calculated on the land revenue prevailing in the adjoining Diwani areas :

Provided that only the landholder shall be liable for the payment of the land revenue to the Government and in case the tenant pays the same to the Government he shall be entitled to deduct the same from the rent payable by him :

Provided further that where on any land special improvements have been made by the landholder, such as sinking a well, the tribunal may in respect of such land fix any higher multiple of land revenue as the rent payable therefor.

(2) When the land revenue of any land is revised, suitable adjustments in the multiples of land revenue payable as rent under sub-section (1) may also be effected on the application of the landholder or the tenant or by the Government on its own motion.

Rent.

†12. The rent payable by a tenant shall, subject to the provisions of sections 11 and 13 be the rent agreed upon between such tenant and his landholder or in the absence of such agreement the rent payable according to the usage of the locality or if there is no such agreement or usage, or where there is dispute as regards the reasonableness of the rent payable according to such agreement or usage, the reasonable rent :

Provided that such reasonable rent shall not in any case exceed one-fourth in the case of irrigated land except land under wells and one-fifth in the case of all other classes of land of the value of the average annual produce of the land, excluding

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

fodder, during the three years immediately preceding the year in which the dispute arises.

Liability to payment.

†13. (1) With effect from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954, a tenant shall not be liable to pay the rent at any rate exceeding that specified in section 11 subject to any application to the Tribunal as to the assessment of rent payable under section 12.

(2) The rent due shall be payable by the tenant at the rate fixed in accordance with the provisions of sections 11 and 12 and the tenant will have the option to pay the rent in cash so fixed or in equivalent produce grown on the land estimated according to the market value thereof.]

Prohibition for receiving rent in terms of labour.

14. (1) Any landholder receiving rent from any tenant in terms of service or labour shall within twelve months from the commencement of this Act apply to the Tahsildar in the prescribed form for commutation of such rent into a cash rent.

(2) On receipt of an application under sub-section (1) the Tahsildar shall, after holding an enquiry, by an order in writing commute such rent into a cash rent.

(3) Notwithstanding any agreement or usage, or any decree or order of a Court or any law to the contrary, no landholder shall recover or receive rent in terms of service or labour after a period of twelve months from the commencement of this Act.

Refund of rent recovered in contravention of the provisions of the Act and other penalties.

15. If any landholder recovers rent from any tenant in contravention of the provisions of Section 11, 12, 13 or 14, he shall forthwith refund to the tenant the excess amount recovered and shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar in this behalf and shall also be liable to such penalty as may be prescribed.

Abolition of all cesses, etc.

16. Notwithstanding any agreement, usage or law, it shall not be lawful for a landholder to levy any cess, rate, tax or service of any description or denomination whatsoever, from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

Enquiries as regards reasonable rent.

17. (1) For the determination of the reasonable rent of any land the tenant or his landholder may apply in writing to the Tribunal in the prescribed form.

(2) On receipt of an application under sub-section (1) the Tribunal shall give notice to the landholder or to the tenant, as the case may be, and after holding an enquiry, shall determine the reasonable rent of the land.

(3) In determining the reasonable rent regard shall, subject to the provisions of section 11, be had to the following factors :—

(*a*) the rental values of lands used for similar purposes in the locality ;

†Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

(*b*) the profits of agriculture of similar lands in the locality ;

(*c*) the prices of crops and commodities in the locality ;

(*d*) the improvements made in the land by the landholder or tenant ;

(*e*) the assessment payable in respect of the land ; and

(*f*) such other factors as may be prescribed.

(4) A tenant may at any time during the pendency of proceedings under this section deposit with the Tribunal, or if an appeal from the Tribunal's order has been filed under sub-section (1) of section 90, with the Collector, a sum equal to the amount of the rent which if no proceedings had been instituted under this section he would have been liable to pay in respect of the land of which the reasonable rent is to be determined. On the completion of proceedings the Tribunal or the Collector, as the case may be, shall direct that the amount so deposited or such part of it, as is equal to the amount determined as reasonable rent under this section shall be paid to the landholder and shall make such other orders as may be necessary.

(5) Every determination of reasonable rent under this section shall remain in force for a period of five years from the date of* [the Tribunal's order] under sub-section (2) or, if an appeal therefrom is filed, from the date of the Collector's order on such appeal, and shall not be called in question during that period :

Provided that the Tribunal or the Collector, as the case may be, may during the said period—

(*a*) reduce the rent if on an application made by the tenant the Tribunal or the Collector is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation ; or

(*b*) enhance the rent if on an application made by the landholder the Tribunal or the Collector is satisfied that on account of any improvement made in the land by or at the expense of the landholder the produce of the land has been increased.

Suspensions or remissions of rent.

18. (1) Notwithstanding anything contained in section 73 of the Land Revenue Act, whenever for any cause the payment of the whole land revenue payable by a landholder in respect of any land is suspended or remitted, the landholder shall suspend or remit, as the case may be, the payment to him of the whole of the rent of such land by the tenant. If in the case of any land payment of the land revenue is partially suspended or remitted, the landholder shall suspend or remit a proportionate amount of the rent payable in respect of such land by the tenant.

* Substituted by Act No. XIII of 1951, published in Gazette Extraordinary No. (18), dated 31st March, 1951.

(2) If no land revenue is payable in respect of any land and if for any cause, the payment of the whole or any part of the land revenue payable in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Collector shall, subject to the general or special orders of Government, suspend or remit, as the case may be, the payment to the landholder of the whole or part of the rent due in respect of such first mentioned land.

(3) No application †[under sub-section (2) of section 28;] shall be entertained, no suit shall lie and no decree of a Civil Court shall be executed for recovery by a landholder of any rent the payment of which has been remitted or is for the time being suspended under this section, and any period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed or any suit or proceeding for the recovery of such rent.

(4) Notwithstanding anything contained in †[sub-section (2) of section 28], the †[Tahsildar] shall, in passing an order under the †[said sub-section] for rendering assistance to the landholder, allow to the tenant a set-off of the sum, if any, paid by such tenant to the landholder in excess of the amount of rent due from him after deducting the amount required to be remitted under sub-section (1) or sub-section (2) of this section or under section 73 of the †[Land Revenue Act]:

Provided that such set-off shall be allowed in respect only of the sum paid by the tenant to the landholder during a period of three years immediately preceding the date of the application made under †[sub-section (2) of section 28].

(5) If any landholder fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention thereof, and on the application of the tenant, the Tahsildar may, after due enquiry, make an order for the refund of such amount.

Termination of tenancy.

19. (1) Notwithstanding any agreement or usage or any decree or order of a Court of law, but subject to the provisions of sub-section (3), no Tenancy of land shall be terminated before the expiration of the period for which the land is leased or deemed to be leased otherwise than—

†[(*a*) by the tenant by surrender of his rights to the landholder at least a month before the commencement of the year:

Provided that such surrender is made by the tenant in writing and is admitted by him before and is made in good faith to the satisfaction of the Tahsildar; or

Provided further that where the land is cultivated jointly by joint tenants or members of an undivided Hindu family, unless the surrender is made by all of them, it shall be ineffective in

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

respect of such joint tenants as have not joined in the application for surrender, irrespective of the fact that the names of all the joint tenants are not mentioned in the certificate] ;

(*b*) by the landholder on a ground specified in sub-section (2).

(2) The landholder may terminate a tenancy on the ground that the tenant--

(*a*) (*i*) has failed to pay in any year, within fifteen days from the day fixed under the Land Revenue Act for the payment of the last instalment of †[land revenue due for the land concerned in that year], the rent of such land for that year ; or

(*ii*) if an application for the determination of reasonable rent is pending before the Tribunal or the Collector under section 17, has failed to deposit within 15 days from the aforesaid date with the Tribunal or the Collector, as the case may be, a sum equal to the amount of rent which he would have been liable to pay for that year if no such application had been made ; or

(*iii*) in case the reasonable rent determined under section 17 is higher than the sum deposited by him, has failed to pay the balance due from him within two months from the date of the decision of the Tribunal or the Collector, as the case may be ; or

(*b*) has done any act which is destructive or permanently injurious to the land ; or

(*c*) has sub-divided the land ; or

(*d*) has sub-let the land or failed to cultivate the land personally, or has assigned any interest therein ; or

(*e*) has used such land for a purpose other than agriculture :

†[Provided that no tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this sub-section unless the landholder gives six months' notice in writing intimating his decision to terminate the tenancy and the grounds for such termination] : and

Provided †[further] that the tenancy of a tenant who--

(*a*) is a female or a minor, or

(*b*) is subject to physical or mental disability, or

(*c*) is serving in the Naval, Military or Air Forces of India,

shall not be determined on the ground only that the land comprised in the tenancy has been sub-let by or on behalf of such tenant.

(3) The tenancy of a tenant holding a lease to which section †[7 or] 8 applies shall terminate—

† Substituted by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

‡[(*a*) Omitted;]

(*b*) where the landholder is a person who, having served in the Naval, Military or Air Forces of India, in good faith requires the land for personal cultivation on the termination of such service, on the expiration of the year in which such person gives notice in writing to the tenant that the tenancy is terminated ; or

(*c*) on the first day of March, 1951 in a case in which a person deemed under section 34 to be a protected tenant is entitled under section 36 to recover possession of the land on that day.

Bar to eviction from dwelling house.

20. (1) If in any village, a tenant is in occupation of a dwelling house on a site belonging to his landholder, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment), unless—

(*a*) the landholder proves that the dwelling house was not built at the expense of such tenant or his predecessor-in-title, and

(*b*) such tenant makes a default in the payment of the rent, if any, which he has been paying for the use and occupation of such site.

(2) The provisions of sub-section (1) shall not apply to a dwelling house which is situate on any land used for the purposes of agriculture the tenancy of which has been terminated under sub-section (1) of section 44.

Tenant to be given first option of purchasing site on which he has built a dwelling house.

21. (1) If the landholder of a site referred to in section 20 intends to sell such site, such tenant at the expense of whom or whose predecessor-in-title, a dwelling house is built thereon, shall be given in the manner provided in sub-section (2) the first option of purchasing the site at a value determined by the Tribunal.

(2) The landholder intending to sell such site shall give notice in writing to the tenant requiring him to state within three months from date of service of such notice whether he is willing to purchase the site.

(3) If within the said period the tenant intimates in writing to the land-holder that he is willing to purchase the site, the landholder shall make an application to the Tribunal for the determination of value of the site. On receipt of such application the Tribunal, after giving notice to the tenant and after holding enquiry, shall determine the value of the site, and shall by an order in writing, require the tenant to deposit the amount of value so determined within three months form the date of such order. On the deposit of such amount the site shall be deemed to have been transferred to the tenant and the amount deposited shall be paid to the landholder and the Tribunal shall, on payment of the prescribed fees, grant a certificate in the prescribed form to the tenant specifying therein the site so transferred and the name of the tenant.

‡ Omitted by Act No. XXIII of 1951, published in Gazette Extraordinary No. (32), dated 30th June 1951.

†[(4) If in respect of a site which a landholder offers to sell to the tenant under the provisions of sub-section (1) the value payable therefor by the tenant is agreed to between him and the land-holder either the land-holder or the tenant or both jointly may apply to the Tribunal and thereupon the Tribunal shall on the payment of the prescribed fees grant a certificate in the prescribed form. The value that is so agreed upon shall be deemed to be the value determined by the Tribunal for the purposes of sub-section (3).]

†[(5)] If the tenant fails to intimate his willingness to purchase the site within the period referred to in sub-section (2) or fails to deposit the amount of the value within the time specified in sub-section (3), the tenant shall be deemed to have relinquished his right of first option to purchase the site and the landholder shall thereupon be entitled to evict the tenant after either paying him such compensation for the value of the structure of the dwelling house as may be determined by the Tribunal or allowing the tenant at his option to remove the materials of the structure.

†[(6)] Any sale of a site effected in contravention of this section shall be void.

Dwelling houses of agricultural labourers and artisans.

22. Government may, by Notification in the Jarida, direct that the provisions of sections 20 and 21 shall in any area specified in the notification apply also in respect of houses and the sites thereof occupied by agricultural labourers or artisans.

Tenant's rights to trees planted by him.

23. If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce and wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for such trees as may be determined by the Tahsildar:

Provided that a tenant shall not be entitled to compensation under this section if the tenancy is terminated by surrender on the part of the tenant:

Provided further that the land-holder shall during the continuance of the tenancy be entitled to the rent of the land as if the trees had not been planted.

Rights to produce of naturally growing trees.

24. (1) A tenant shall during the continuance of his tenancy be entitled to two-thirds of the total produce of trees naturally growing on the land, the land-holder being entitled to one- third of the produce of such trees.

(2) If there is any dispute regarding the right to the produce of such trees or the apportionment of such produce under sub-section (1) the tenant or the land-holder may apply in the prescribed form to the Tahsildar.

(3) On receipt of such application, the Tahsildar shall after holding an inquiry, pass such orders thereon as he deems fit.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

Tenants responsible for maintenance of boundary marks.

25. Notwithstanding anything contained in the Land Revenue Act, the responsibility for the maintenance and good repair of the boundary marks of lands held by a tenant and any charges reasonably incurred on account of service by revenue officers in case of alteration, removal or repair of such boundary marks shall be upon the tenant.

Repairs of protective bunds.

26. (1) Notwithstanding any agreement, usage or custom to the contrary, if it appears to Government that the construction, maintenance or repair of any bunds protecting any land held by a tenant is neglected owing to a dispute between the landholder and the tenant or for any other reason, Government may by an order in writing direct that the construction, maintenance or repair shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable from the person in actual possession of the land as arrears of land revenue.

(2) The person from whom the costs are recovered under sub-section (1) shall be entitled to recover the same or the appropriate part thereof from any person who under any agreement, usage or custom is wholly or partially liable to construct, maintain or repair the bunds.

(3) Notwithstanding anything contained in sub-section (1) it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his cost and the costs so incurred by him shall on application made by him to the Tahsildar be recoverable by him from the landholder according to his liability under any agreement, usage or custom. The costs of the proceedings on the tenant's application shall also be recoverable from the landholder in case the landholder is held wholly or partially liable to pay the costs incurred by the tenant for the construction, maintenance or repair of the bunds.

Betterment contribution.

†[26-A. If at any time on a land held by a tenant any amount is levied or imposed by the Government as betterment contribution under the provisions of the Hyderabad Irrigation (Betterment Contribution and Inclusion Fees) Act, 1952, the tenant and the landholder thereof shall be liable to pay such amount to the Government in such proportion as the Government may, by general or special order, determine under that Act as though both were owners for the purposes thereof:

Provided that the general or special orders so made shall be laid before the Assembly.]

Relief against termination of tenancy in certain cases.

27. Where tenancy of any land held by a tenant is terminated on the ground that the tenant has done any act which is destructive or permanently injurious to the land, no proceeding for ejectment shall lie against such tenant unless and until the landholder has served on the tenant a notice in writing specifying the act of destruction or injury complained of and the tenant

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

has failed within a period of one year from the service of such notice to restore the land to the condition in which it was before such destruction or injury.

Relief against termination of tenancy for non-payment of rent.

28. †[1] Where a tenancy of any land held by a tenant is terminated for non-payment of rent and the landholder files any proceeding to eject the tenant, the Tahsildar shall call upon the tenant to tender to the landholder the rent in arrears together with the cost of proceeding within †[ninety] days from the date of the order, and if the tenant complies with such order, the Tahsildar shall, in lieu of making an order of ejectment, pass an order directing that the tenancy has not been terminated, and thereupon the tenant shall hold the land as if the tenancy had not been terminated:

Provided that nothing in this section shall apply to any tenant whose tenancy is terminated for non-payment of rent if he has failed †[for] any three years to pay rent within the period specified in sub-clause (*i*) of clause (*a*) of sub-section (2) of section 19.

†[2 The landholder may apply to the Tahsildar in the prescribed form for recovery of arrears of rent for any period not exceeding three years. The Tahsildar may, after such enquiry as he considers necessary pass such order as he deems fit. The Tahsildar in passing an order shall allow the tenant to set off the sum, if any, paid by him to the landholder within the period of three years immediately preceding the date of application made under sub-section (1) in excess of the rent due from him:

Provided that if the Tahsildar is satisfied that in consequence of a total or partial failure of crops or similar calamity the tenant has been unable to pay the rent due, the Tahsildar may, for reasons to be recorded in writing, direct that the arrears of rent together with costs of the proceedings, if awarded, shall be paid within one year from the date of the order and that if before the expiry of the said period the tenant fails to pay the said arrears of rent and costs, the tenancy shall be deemed to be terminated and the tenant shall be liable to be evicted.

(3) When a tenant tenders an amount on account of rent to the landholder for any period and if the landholder refuses to receive it or refuses to grant a receipt for it, the tenant may present to the Tahsildar an application in writing for permission to deposit in his office the full amount of rent. The Tahsildar may receive the amount in deposit and give a receipt for it, which shall constitute a discharge of the tenants liability in respect of rent for such period and no claim or application by a landholder for rent shall be maintainable in respect of the period for which the rent has been so deposited by the tenant. Notice of the amount so deposited shall be given to the landholder and the amount will, on his application, be paid to him.]

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† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Receipts for rent.

29. (1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to his landholder shall be presumed to be a payment on account the rent due by such tenant for the year in which the payment is made.

(2) Every landholder shall, immediately upon the receipt of any amount paid to him on account of rent of any land, furnish a written receipt for the same in such form and in such manner as may be prescribed.

Sub-division, subletting and assignment prohibited.

30. (1) No subdivision or subletting of any land by a tenant and no assignment of any interest held by a tenant shall be valid.

(2) Notwithstanding anything contained in sub-section (1) it shall be lawful for a tenant to be a member of a co-operative farming society, and as such member to sub-let, assign, mortgage or create a charge on his interest in the land in favour of such society.

Bar to attachment or sale by process of court.

31. No interest of a tenant in any land held by him as a tenant shall be liable to be attached or sold in execution of a decree or order of a Civil Court.

Procedure of taking possession.

32. (1) A tenant or an agricultural labourer or artisan entitled to possession of any land or dwelling house under any of the provisions of this Act may apply to the Tahsildar in writing in the prescribed form for such possession.

(2) No landholder shall obtain possession of any land or dwelling house held by a tenant except under an order of the Tahsildar, for which he shall apply in the prescribed form.

(3) On receipt of an application under sub-section (1) or sub-section (2) the Tahsildar shall, after holding an enquiry, pass such order thereon as he deems fit.

(4) Any person taking possession of any land or dwelling house otherwise than in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, shall, without prejudice to his liability to the penalty provided in section 96, be liable to forfeiture of the crops, if any, grown on the land and to the payment of such costs as may be awarded by the Tahsildar or by the Collector on appeal from the Tahsildar.

Act not to affect rights or privileges of tenant under any other law.

33. Save as provided in sub-section (1) of section 80, nothing contained in this Act shall be construed to limit or abrige the rights or privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court or otherwise howsoever.

CHAPTER IV.

Protected Tenants.

Protected tenants.

34. (1) A person shall, subject to the provisions of sub-sections (2) and (3), be deemed to be a protected tenant in respect of land if he—

(*a*) has held such land as a tenant continuously—

(*i*) for a period of not less than six years, being a period wholly included in the Fasli years 1342 to 1352 (both years inclusive), or

(*ii*) for a period of not less than six years immediately preceding the 1st day of January, 1948, or

(*iii*) for a period of not less than six years commencing not earlier than the 1st day of the Fasli Year 1353 (6th Oct., 1943), and completed before the commencement of this Act, and

(*b*) has cultivated such land personally during such period:

† [Provided that where the landholder is a minor or is serving in the Naval, Military or Air Forces in India, the tenant shall not be deemed to be a protected tenant if before the expiration of one year from the date on which the minor attains majority or the landholder ceases to serve in the said forces, the land-holder gives three months' notice in writing intimating his decision to terminate the tenancy if in good faith he requires the land to cultivate personally:

Provided further that where the landholder is a person permanently incapable of cultivating the land by reason of mental disability the tenant shall not be deemed to be a protected tenant if before the expiry of one year from the death of the land-holder, the person who succeeds to the land gives three months' notice in writing intimating his decision to terminate the tenancy if in good faith he requires the land to cultivate personally.

Explanation.—Where the land is held under more than one joint landholders the last two provisos shall not apply unless all such landholders are subject to a disability specified in the said provisos.]

Explanation I.—If the person who held such land as a tenant on the date of expiry of any of the three qualifying periods mentioned in clause (*a*) came to hold the same by inheritance or succession from another person who so held the land or if he has held such land as a tenant and is an heir to such other person, the period during which such other person held such land as a tenant shall be included in calculating such qualifying period.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Explanation II.—If the person who held such land as a tenant on the date of expiry of any of the three qualifying periods mentioned in clause (*a*), held as a tenant at any time within six years before the said date from the same land-holder in the same village any other land which he cultivated personally, the period during which he held such other land shall be included in calculating such qualifying period.

Explanation III.—Where any land is held by two or more persons jointly as tenants all such persons shall, if any of them cultivated and continues to cultivate such land personally and, if the other conditions specified in this section are fulfilled, be deemed to be protected tenants in respect of such land.

(2) Where more than one person would be entitled under sub-section (1) to be deemed to be a protected tenant in respect of any land, then, notwithstanding anything contained in that sub-section, the only one of such persons entitled to be so deemed shall be—

(*a*) the person whose qualifying period is the period specified in sub-clause (1) of clause (*a*) of that sub-section, or

(*b*) if there is no such person, the person whose qualifying period is the period specified in sub-clause (2) of that clause.

(3) A person who at the commencement of this Act is no longer in possession of land in respect of which he is deemed under sub-section (1) to be a protected tenant shall, notwithstanding anything contained in that sub-section, not be deemed to be a protected tenant in respect of such land if—

(*a*) he was evicted from such land in pursuance of a decree or order of a competent Court, or

(*b*) such land is being cultivated personally by the land-holder *[for at least one year before the commencement of this Act, or after the land was surrendered to the land-holder by the tenant], or

(*c*) a permanent structure has been built by the land-holder on such land, or

(*d*) such land has been permanently diverted by the land-holder to non-agricultural uses.

Explanation.—In sub-sections (2) and (3) of this section and in sections 35, 36 and 37 references to a person include references to such two or more persons as are referred to in Explanation III to sub-section (1).

Decision on claims.

35. (1) If any question arises whether any person, and if so what person, is deemed under section 34 to be a protected tenant in respect of any land, the land-holder, or any person

* Added by Act No. XXIII of 1951, published in Gazette Extraordinary No. 82, dated 30th June, 1951.

claiming to be so deemed, may, within one year from the commencement of this Act, apply in the prescribed form to the Tahsildar for the decision of the question and the Tahsildar shall, after enquiring into the claim or claims in the manner prescribed, declare what person is entitled to be deemed to be a protected tenant or, as the case may be, that no person is so entitled.

(2) A declaration by the Tahsildar that the person is deemed to be a protected tenant or, in the event of an appeal from the Tahsildar's decision such declaration by the Collector on first appeal or by the Board of Revenue on second appeal, shall be conclusive that such person is a protected tenant and his rights as such shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.

Recovery of possession by protected tenant.

36. (1) A person deemed under section 34 to be a protected tenant in respect of any land of which he is not in possession at the commencement of this Act shall, if he intimates to the land-holder within six months of the said commencement that he is willing to hold the land on the terms and conditions on which he held it before he lost possession thereof, be entitled to recover possession thereof on the said terms and conditions from the 1st day of March, 1951.

(2) Sub-section (1) shall have effect notwithstanding that another person may be in possession of the land, whether under a lease which is not due to expire until after the first day of March, 1951, or otherwise, and where such other person is so in possession, he shall be liable, on an application made to the Tahsildar in accordance with section 32, to be evicted on the said date.

Persons not entitled under section 34 deemed in certain circumstances to be protected tenants.

37. (1) Every person who at the commencement of this Act holds as tenant any land in respect of which no person is deemed to be a protected tenant under section 34, shall, on the expiration of one year from such commencement or, the final rejection of all claims by any other person to be deemed under section 34 to be a protected tenant in respect of such land, whichever is later, be deemed to be a protected tenant in respect of such land unless the land-holder has before such expiration or final rejection as aforesaid made an application in the prescribed form to the Tahsildar for a declaration that such person is not a protected tenant :

†[Provided that where the land-holder is a minor or a person serving in the Naval, Military or Air Forces of India, he shall make the application for declaration before the expiry of one year from the date on which the minor attains majority, or the land-holder ceases to serve in the Naval, Military or Air Forces of India :

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Provided further that where the land-holder is a person permanently incapable of cultivating the land by reason of mental disability, the person who succeeds to the land on the death of the said land-holder shall make the application within one year from the date on which he succeeds to the land.

Explanation.—Where the land is held under more than one joint land-holders the last two provisos shall not apply unless such land-holders are subject to a disability specified in the said provisos.]

(2) If after enquiring in the prescribed manner into such application, the Tahsildar refuses to make such declaration and his decision is not set aside by the Collector on first appeal or by the Board of Revenue on second appeal, the tenant shall be deemed to be a protected tenant.

(3) The rights as a protected tenant of a person deemed under sub-section (1) or sub-section (2) to be a protected tenant shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.

Persons holding land as tenants at the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955 to be deemed to be protected tenants.

*[37-A. (1) Notwithstanding anything contained in this Act, every person who at the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955 holds as tenant any land in respect of which he is not deemed to be a protected tenant under this Act, shall be deemed to be a protected tenant if the total area of the land owned by the land-holder including the land under the cultivation of his tenants is more than three times the area of a family holding for the local area concerned :

Provided that nothing in this section shall affect the rights of any other person who already holds a protected tenancy certificate in respect of such land or whose rights as protected tenant are under investigation before a competent authority, if such other person applies to the Tribunal for safeguarding his rights within a period of six months from the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955.

(2) The rights as a protected tenant of a person deemed under sub-section (1) to be a protected tenant shall be recorded in the Record of Rights or, where there is no Record of Rights, in such village record as may be prescribed.]

Right of protected tenant to purchase land.

38. [† (1) Notwithstanding anything to the contrary in any law, usage or contract, and subject to the provisions of sub-section (7), a protected tenant shall at any time after the commencement of the Hyderabad Tenancy and Agricultural

* Added by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th, February, 1954.

Lands (Amendment) Act, 1954, be entitled to purchase the land-holder's interest in the land held by the former as a protected tenant.

†(2) A protected tenant who desires to exercise the right conferred by sub-section (1) shall make an offer to the land-holder stating the price which he is prepared to pay for the land-holder's interest in the land up to fifteen times for dry lands or eight times for wet lands irrigated by wells and six times of wet lands irrigated by other sources, of the rent payable by him, and where he is not entitled to purchase the whole of the land, the portion thereof which he is entitled to purchase.]

(3) If the land-holder refuses or fails to accept the offer and to execute a sale-deed within three months from the date of the offer, the protected tenant may apply to the Tribunal for the determination of the reasonable price of the land.

† [(4) On receipt of an application under sub-section (3) the Tribunal shall give notice to the applicant and the land-holder and to all persons who appear to the Tribunal to be interested, of the date, time and place at which the Tribunal will enquire into the application and shall determine the reasonable price of the land-holder's interests in the land not exceeding the maximum multiple of rent provided in sub-section (2) in conformity with such rules as may be prescribed :

Provided that where in the opinion of the Tribunal the reasonable price determined under this sub-section, does not sufficiently recompense the land-holder for the value of the improvements made by him, such as sinking a well, it shall be competent for the Tribunal, after taking into account the value of the contribution of the protected tenant towards the improvements, if any, to add such further sum as it considers adequate to the price so determined.

†(5) The protected tenant shall deposit with the Tribunal the amount of the price determined under sub-section (4)—

(*a*) either in a lumpsum within the period fixed by the Tribunal, or

(*b*) in such instalments not exceeding sixteen and at such intervals during a period not exceeding eight years and on or before such dates as may be fixed by the Tribunal in each case :

Provided that whenever land revenue due on the land is suspended or remitted by the Government, any instalment of the reasonable price payable on such land by the protected tenant shall be similarly postponed :

Provided further that when the reasonable price fixed by the Tribunal is payable in instalments, the protected tenant

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

shall in addition to the instalments be liable for the payment of the land revenue due to the Government on the land till all the instalments are paid.

†(6) (*a*) On deposit or recovery of the entire amount of the reasonable price being made, the tribunal shall issue a certificate in the prescribed form to the protected tenant declaring him to be the purchaser of the land and such certificate shall be conclusive evidence of the sale as against the land-holder and all persons interested therein and the Tribunal shall also direct that the reasonable price deposited or recovered shall be paid to the land-holder :

Provided that if the application of the protected tenant relates to an ' Inam', the Tribunal shall not issue such certificate unless previous sanction of Government has been obtained therefor.

(*b*) If a protected tenant is permitted to pay the reasonable price in instalments under the provisions of sub-section (5), interest at the rate of three per cent. per annum shall be payable by him in respect of the balance of the price due and if he commits default in respect of any instalment the same may be recovered by the Government as arrears of land revenue.

(*c*) Every instalment deposited by or recovered from the protected tenant, shall be paid by the Tribunal to the land-holder.

(*d*) If the protected tenant fails to pay the entire amount of the reasonable price within the period fixed under sub-section (5), or the same is not recovered from him, the purchase by the protected tenant shall not be effective and he shall forfeit the right of purchase of the land, and the amount paid by him towards the reasonable price shall be refunded to him with interest at three per cent. per annum together with land revenue paid by him if any after deducting therefrom the rent due from him for the period :

Provided that if th eamount of reasonable price in respecn of which the protected tenant has committed default, does not exceed one-fourth of the price fixed by the Tribunal under sub-section (5), the right of purchase of the protected tenant shall not be forfeited and the Tribunal shall cause the balance of reasonable price to be recovered as arrears of land revenue and paid to the landholder.

†(7) The right of a protected tenant under this section to purchase from his landholder the land held by him as a protected tenant shall be subject to the following conditions, namely :—

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† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

(*a*) If the protected tenant does not hold any land as a landholder the purchase of the land held by him as a protected tenant shall be limited to the extent of the area of a family holding for the local area concerned.

(*b*) If the protected tenant holds any land as a landholder, the purchase of the land held by him as a protected tenant shall be limited to such area as along with other land held by him as a landholder will make the total area of land that will be held by him as a landholder equal to the area of a family holding for the local area concerned :

Provided that the land remaining is more than the land which the protected tenant is entitled to purchase under this section, the first preference to purchase the said land, at the prevailing market price in the local area, shall vest in the protected tenant :

Provided further that in the case of purchase by any person other than the protected tenant, the rights and interests of the said tenant in the lease land, shall continue as before.

(*c*) The extent of the land remaining with the landholder after the purchase of the land by the protected tenant, whether to cultivate it personally or otherwise, shall not be less than two times the area of a family holding for the local area concerned.]

†[(8)] If in the course of an inquiry under this section any question arises as between the landholder and the protected tenant desiring to purchase land, or as between different persons claiming to be landholders or protected tenants in respect of the whole or any part of the land concerned, regarding—

(*a*) the area of land which the protected tenant is entitled under sub-section (1) to purchase, or

(*b*) where he is not entitled to purchase the whole of the land held by him as a protected tenant, the particular portion of that land which he should be permitted to purchase, or

(*c*) the priority of the rights exercisable by different protected tenants under sub-section (1), or

(*d*) the person entitled to receive the amount deposited under sub-section (5),

the question shall be determined by the Tribunal in the prescribed manner.

Procedure when reasonable price is agreed to between the landholder and protected tenant.

*[38-A. If in respect of a land held by a protected tenant the landholder consents to sell his interest in the land to the protected tenant and the reasonable price payable therefor by the protected tenant is agreed to between them, the provisions of sub-section (7) of section 38s hall not apply to such sale, and either the landholder or the protected tenant or both jointly, may

† Amended by Act No. III of 1354, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

* Substituted by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12 March, 1956.

apply to the Tribunal and thereupon all the provisions of sub-sections (5), (6) and (8) of that section shall apply *mutatis mutandis* to such application:

Provided that the reasonable price so agreed to by the parties themselves shall be deemed to be the reasonable price determined by the Tribunal for the purposes of the said sub-sections (5), (6) and (8):

Provided further that if the landholder does not sell the whole of the land held by him but retains some land with him, the extent of the land remaining with him after the purchase of the land by the protected tenant, whether to cultivate it personally or otherwise, shall not be less than the area of a basic holding for the local area concerned:

Provided also that the right of the protected tenant shall be limited to the extent of three family holdings in the local area concerned including the land, if any, owned by the protected tenant.

Procedure when landholder agrees to relinquish his rights in favour of the protected tenant.

*38-B. If in respect of a land held by a proteccted tenant, the landholder concerned intends to relinquish his interest in the land without receiving any consideration therefor, the provisions of sub-section (7) of section 38 shall not apply to such a case and the landholder may apply to the Tribunal and thereupon the Tribunal shall issue to such protected tenant a certificate so far as may be as provided for in sub-section (6) of section 38:

Provided that the right of the protected tenant and the grant of the certificate shall be limited to the extent of three family holdings in the local area concerned including the land, if any, owned by the protected tenant and that any excess over such extent shall vest in the Government free of all right of the said protected tenant:

Provided further that if the landholder does not relinquish the whole of the land held by him but retains some land with him, the extent of the land remaining with him after the relinquishment, whether to cultivate it personally or otherwise, shall not be less than the area of a basic holding for the local area concerned.]

Minimum holding in case of sale.

†[38-C. (1) If a landholder does not hold land in excess of three family holdings, he may within two years from the date of receipt of a notice in writing from the protected tenant to sell the land to him under sub-section (1) of section 38, terminate the tenancy of the said protected tenant in the manner and subject to limits specified in section 44, or sell the land to him.

(2) If after the termination of the tenancy, the landholder does not within one year from the date on which he resumed possession of the land, cultivate the land personally or having commenced such cultivation discontinues the same within ten years

* Substituted by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

from the said date, the protected tenant shall be entitled to restoration of possession of the land and its purchase in accordance with the provisions of section 38.]

Procedure when landholder intends to sell land to a protected tenant.

*[38-D. (1) If the landholder at any time intends to sell the land held by the protected tenant, he shall give a notice in writing of his intention to such protected tenant and offer to sell the land to him. In case the protected tenant intends to purchase the land he shall intimate in writing his readiness to do so within †[six months] from the date of the receipt of such notice. If there is any dispute about the reasonable price payable by the protected tenant for the land, the provisions of sub-sections (3) to †[(8)] of section 38 shall apply *mutatis mutandis*.]

†[(2)] If the protected tenant does not exercise the right of purchase in response to the notice given to him by the landholder under sub-section (1) such protected tenant shall forfeit his right of purchase of the same and the landholder shall be entitled to sell such land to any other person. On such a purchase by an other person, the protected tenant shall forfeit all his rights in the land save those provided for in section 41.

Ownership of lands held by protected tenants to stand transferred to them from a notified date.

†[38-E. (1) Notwithstanding anything in this chapter or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the Government may, by notification in the Jarida, declare in respect of any area and from such date as may be specified therein that ownership of all lands held by protected tenants which they are entitled to purchase from their landholders in such area under any provision of this chapter shall subject to the provisions of sub-section (7) of section 38 of the Act stand transferred to and vest in the protected tenants holding them and from such date the protected tenants shall be deemed to be the full owners of such lands.

(2) A certificate in the prescribed form declaring him to be owner shall be issued by the Tribunal to every such protected tenant and notice of such issue shall simultaneously be issued to the landholder. Such certificate shall be conclusive evidence of the protected tenant having become the owner of the land with effect from the date of the certificate as against the landholder and all other persons having any interest therein :

Provided that when the land held by a protected tenant happens to be an ' Inam ' the Tribunal shall not issue such a certificate unless the previous sanction of the Government has been obtained.

(3) Within 90 days from the date specified in a notification under sub-section (1) every landholder of lands situated in the area specified in such notification shall file an application before the Tribunal for the determination of the reasonable price of his interest in the land which has been transferred to the

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

* Added by Act No. XXIII of 1951, published in Gazette Extraordinary No. 32, dated 30th June, 1951.

ownership of a protected tenant under sub-section (1), and thereupon all the provisions of sub-sections (4) to (8) of section 38 shall *mutatis mutandis* apply to such application :

Provided that if the protected tenant commits default in respect of any instalment, it shall be recovered by the Government as arrears of land revenue and paid to the landholder :

Provided further that if the whole or any part of the price due to the landholder cannot be recovered as arrears of land revenue, the transfer shall not be effective and the amount, if any, already paid by the protected tenant towards the price shall be refunded to him together with interest at three per cent. per annum and the land revenue paid by him, if any, after deducting therefrom the rent for the period.]

Right of protected tenants to exchange lands.

39. (1) Notwithstanding anything contained in this Act or in any other law and notwithstanding any agreement or usage, all or any of the persons holding lands as protected tenants in the same village may agree and may make an application to the Tahsildar in the prescribed form for the exchange of their tenancies in respect of the lands held by them as protected tenants.

(2) On receipt of the application, the Tahsildar after giving notice to the landholders concerned and after making an inquiry, may sanction the exchange on such terms and contitions as may be prescribed and may issue certificate in the prescribed form to the applicants.

(3) The certificates so issued shall be conclusive of the fact of such exchange against the landholders and all persons interested in the lands exchanged.

(4) Each of the protected tenants shall hold the land received by him as the result of such exchange on the same terms and conditions on which it was held by the original tenant immediately before the exchange subject to such modifications as may have been sanctioned by the Tahsildar.

Rights of protected tenant heritable.

40. (1) All rights of a protected tenant shall be heritable.

(2) If a protected tenant dies, his heir or heirs shall be entitled to hold the tenancy on the same terms and conditions on which such protected tenant was holding the land at the time of his death† [and such heirs may, notwithstanding anything contained in this Act, sub-divide *interse* according to their shares the land comprised in the tenancy to which they have succeeded.]

(3) If a protected tenant dies without leaving any heirs, all his rights shall be extinguished.

Explanation.—The following persons only shall be deemed to be the heirs of a protected tenant for the purposes of this section :—

(*a*) his legitimate lineal descendants by blood or adoption;

† Amended by Act No. III of 1954, pubilshed in Gazette Extraordinary No. (29), dated 4th February, 1954.

(*b*) in the absence of any such descendants, his widow for so long as she does not remarry.

†[(4) The interest of a protected tenant in the land held by him as a protected tenant shall form sixty per cent. of the market value of all the interests in the lond and that of the landholder and of persons claiming under him shall be limited to the remaining forty per cent.]

Compensation for improvements made by protected tenant.

41. (1) A protected tenant who has made an improvement on the land held by him shall, if his tenancy is terminated under the provisions of this Act, be entitled for such improvement to compensation the amount of which shall, on an application made by the tenant in the prescribed form, be determined by the Tribunal in accordance with the provisions of sub-section (2).

(2) The amount of compensation determined by the Tribunal shall be the value of the improvement at the time of the termination of the tenancy estimated with due regared to :—

(*a*) the amount by which the value of the land is increased by the improvement ;

(*b*) the present condition of the improvement and the probable duration of its effect ;

(*c*) the labour and capital provided or spent by the tenant for the making of the improvement ; and

(*d*) any reduction or remission of rent or other advantage allowed to the tenant by the landholder in consideration of the improvement.

Protected tenant's right to erect farmhouse.

42. A protected tenant shall be entitled to erect a farmhouse on the land held by him as a protected tenant.

Mortgage or charge by protected tenant as security for loans.

† [43. Notwithstanding anything contained in any law for the time being in force, or any custom, decree or contract to the contrary, it shall be lawful for a protected tenant to mortgage or create a charge on his interest in the land in favour of the Government in consideration of loan advanced to him by the Government under the Hyderabad Agriculturists Loans Act, 1950, and without prejudice to any other remedy open to the Government in the event of his making a default in payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the Government to cause his interest in the land to be sold, and the proceeds to be applied in payment of such loan.]

Land holder's right to terminate protected tenancy.

44. †[(1) Subject to the provisions of sub-section (8) a landholder who, on the date on which the Hyderabad Tenancy and Agricultural Lands (Amendment) Act 1954 comes into force, is not already cultivating personally an area equal to

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

three times the family holding for the local area concerned and who in good faith requires land leased out to a protected tenant for cultivating personally may, not-withstanding anything contained in section 19 of the Act, terminate the tenancy and resume such land or portion of such land that would, together with the land which he is already cultivating personally, either as owner or protected tenant, be equal to three times the family holding, by making an application in the manner prescribed to the Collector or any other officer whom the Government may from time to time authorise in this behalf:

*[Provided that after the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1955, no such land-holder shall be entitled to exercise the right of resumption under his sub-section unless he has, within a period of one year from the commencement of the said Act, filed with the Deputy Collector, in the prescribed manner, a statement of reservation demarcating the lands which he reserves for the exercise of the rights of resumption under this section. On such statment being filed, the Deputy Collector shall, as soon as may be, after making necessary enquiry, issue a certificate to the land-holder in the prescribed manner to the effect that the lands have been so reserved. The right to terminate tenancy shall be exercisable only in respect of the lands specified in the certificate as so reserved and shall not extend to any other land.]

(2) The landholder's right to terminate tenancy of any protected tenant under sub-section (1) shall be limited to an area which shall after such termination, leave with the protected tenant an area, which together with the land owned by him or cultivated by him as a protected tenant, is equal to a basic holding for the local area concerned:

Provided that, where by such resumption the land that will be left with protected tenant together with other land owned or cultivated by him will be less than a basic holding, the landholder's right of terminating the tenancy, shall be limited to half the area of land leased out by him to the said protected tenant:

Provided further, that where the land owned by a landholder does not exceed a basic holding he will be entiletd to resume the entire land leased by him.

(3) Nothing in sub-section (1) shall entitle the landholder to resume more than a family holding unless the income by the cultivation of such land will be the main source of income of the landholder for his maintenance.

(4) The Government shall provide by Rules for:—

(*i*) manner of conducting enquiries into the applications for resumption;

*[(*ii*) the manner of filing reservation statement of lands reserved for resumption and the issue of certificate by the Deputy Collector;]

* Added by Act No. III of 1956, published in Gazette Extraordinary No. (46) dated 12th March, 1956.

*[(*iii*)] selection of lands for resumption ;

*[(*iv*)] exchange and consolidation of fragments to secure as far as possible contiguous blocks to the land holder, or the protected tenant ;

*[(*v*)] time when the resumption will take effect ;

(*vi*) any other matter as may be considered necessary for giving effect to the provisions of this Section.

(5) (*a*) The right of termination of the tenancy of any protected tenant under sub-sections (1), (2) and (3) shall cease after five years from the date of the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954.

(*b*) The tenancy in respect of the land left with the protected tenant after termination under this section shall not at any time be liable to be terminated on the ground that the landholder *bona fide* requires the said land for the purpose specified in sub-section (1).

(6) Notwithstanding anything contained in this section a protected tenant *["of any land reseved for resumption under Sub-section (1)"] shall be entitled within the said period of five years to exercise his right to purchase under section 38 the land held by a landholder in excess of two family holdings, provided that such lanholder before the expiry of three months from the date of receipt of the notice under sub-section (2) of section 38, selects the land which together with the land, if any,which he is cultivating personally is equal to the area of three family holdings, and also initiates proceedings for its resumption.]

†[(7)] If the tenancy of a protected tenant is terminated under this section in respect of part only of the land leased to him, the amount of the rent thereof payable by him shall be proportionately determined in the prescribed manner.

†[(8)] Nothing in this section shall entitle a landholder to terminate the tenancy of a protected tenant who is for the time being a member of Co-operative Farming Society.

Landholder to restore possession if he fails to cultivate within one year.

45. (1) If upon the termination of a tenancy under section 44 the landholder—

(*a*) does not within one year from the date on which he resumed possession of the land †[cultivate the same personally], or

(*b*) having commenced such †[cultivation], discontinues the same within ten years of the said date, he shall forthwith

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* Added by Act No. III of 1956, published in the Gazette Extraordinary No. (46), dated 12 March, 1956.

† Added by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated 4th February, 1954.

restore possession of the land to the tenant whose tenancy was terminated by him unless he has obtained from the tenant his refusal in writing to accept the tenancy on the terms and conditions prevailing before the termination of the tenancy or has offered in writing to give possession of the land to the tenant on the said terms and conditions and the tenant has failed to accept the offer within three months of the receipt thereof :

† [Provided that such refusal by the protected tenant to accept the tenancy shall be recorded before and to the satisfaction of the Tahsildar.]

(2) After the tenant has recovered possession of the land under sub-section (1) he shall, subject to the provisions of this Act, hold the same on the terms and conditions on which he held it immediately before the termination of his tenancy.

(3) If the landholder fails to restore possession of the land to the tenant as provided in sub-section (1) he shall be liable to pay such compensation to the tenant as may be determined by the Tahsildar for the loss sufferred by the tenant on account of the eviction.

Explanation.—For the purposes of this section, references to a protected tenant shall include references to the heirs mentioned in the Explanation to section 40.

Application for recovery of possession by tenant.

46. If at any time the tenant makes an application to the Tahsildar and satisfies him that the landholder has failed to comply within a reasonable time with the provisions of section 45, the protected tenant shall be entitled on a direction by the Tahsildar to obtain immediate possession of the land and to such compensation as may be awarded by the Tahsildar for any loss caused to the tenant by his eviction and by the failure of the landholder to restore or give possession of the land to him as required by the said section.

CHAPTER V.

Restrictions on Transfers of Agricultural Land.

All alienations and transfer of agricultural land to require sanction or confirmation.

47. (1) Notwithstanding anything contained in any other law for the time being in force or in any decree or order of a Court, no permanent alienation and no other transfer of agricultural land shall be valid unless it has been made with the previous ‡[sanction of] the Collector :

†[Provided that the Collector may declare a permanent alienation or any other transfer of agricultural land to be valid if

† Added by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

‡ Added by Act No. XXIII of 1951.

the permanent alienation or transfer took place before the commencement of the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954 and possession of the land transferred was given to the vendee before such commencement if application for sanction is made within one year after such commencement.]

(2) Applications for such previous sanction † [shall be made and disposed of in accordance with such procedure as may be prescribed.

General restrictions on grant of sanction.

48. (1) In the case of a ‡ [permanent alienation or transfer], the Collector shall not sanction † [ ] the same if—

(*a*) the area of the land held by the alienor or transferor after the alienation or transfer would be less than** [ ] a family holding determined under section 4 for the local area concerned : ‡ [ ]

‡ [Provided that the requirements of this clause may be dispensed with by the said officer if he is satisfied that the alienor or transferor as the case may be, is not an agriculturist or intends to give up the profession of an agriculturist] * [or is alienating the whole of the land in his possession or that the transfer is being made by an agriculturist for good and sufficient reasons subject to his retaining a basic holding,] or

(*b*) the area of the land held by the alienee or transferee afer the alienation or transfer would exceed * [three times] the ** [family holding] so determined † [after excluding thereform the following, area, namely :—

any area of the land held by the alienee or transferee which is in possession of a protected tenant or protected tenants in respect of which the alienee or transferee, as the case may be, relinquishes the right of resumption for his personal cultivation under section 44 permanently against such protected tenant or protected tenants :

Provided that the Government may for such reasons as may be prescribed permit a permanent alienation or transfer as a result of which the area of the land held by the alienee or transferee after the alienation or transfer exceeds the maximum area that can be so held under this clause.]

(2) In the case of a mortgage, the Collector shall not sanction the same if the terms of the mortgage are such that possession of the land is to be or may be delivered to the mortgagee as security for the money advanced or to be advanced.

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† Amended by Act No. XXIII of 1951.

‡ Amended by Act No. XIII of 1951, publishd in Gazette Extraordinary No. (18), dated 1st March, 1951.

* Added by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

** Substituted by Act No. III of 1956, published in Gazette Extraordinary No. (46), dated 12th March, 1956.

Additional restrictions where alienee or transferee is a non-agriculturist.

49. Where the alienee or transferee is a non-agriculturist, the Collector shall not sanction † [ ] the alienation or transfer unless he is satisfied—

(*a*) in the case of a permanent alienation or * [transfer] that the alienee or transferee intends to adopt the profession of an agriculturist :

‡ [Provided that if the alienee or transferee does not within one year from the date on which he obtained possession of the land adopt the profession of an agriculturist or having adopted such professsion discontinues the same within ten years from such date, the Collector may, acting on his own motion or otherwise, declare the alienation or transfer invalid and restore the land to the alienor or transferor subject to the provisions of subsection (2) of section 48 ;]

(*b*) in the case of a mortgage, that the transaction is of a *bona fide* character.

Cases in which restrictions imposed by sections 47, 48 and 49 shall not apply.

‡[50. The restrictions imposed by sections 47,48 and 49 shall not apply to—

(*a*) a permanent alienation or transfer of agricultural lands made with the previous permission of the Collector for any non-agricultural use ;

(*b*) registered sales of agricultural lands before the commencement of this Act ;

(*c*) agreement to sell agricultural lands entered into before the commencement of this Act, if possession of the lands had been transferred to the vendees before such commencement in pursuance of such agreements.]

Provisions of this chapter not to apply.

**[50-A. Nothing in this chapter shall apply to the sale of agricultural land in accordance with the provisions of Chapter IV.]

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† Omitted by Act No. XXIII of 1951, published in Gazette Extraordinary No. (32), dated 30th June, 1951.

* Amended by Act No. XIII of 1951, published in Gazette Extraordinary No. (18), dated 31st March 1951.

‡ Added by Act No. III of 1954, published in Gazette Extraordinay No. (29), 4th February, 1954.

** Substituted by Act No. III of 1956, published in Gazette Extraordinary No. (46), dated 12th March, 1956.

CHAPTER VI.

Management or Acquisition of Uncultivated, Improperly Cultivated or Surplus Lands.

Power to assume management of land.

51. *[(1) Notwithstanding any law for the time being in force or any usage or custom or the terms of any contract or grant, if it appears to Government that for any two consecutive years including any period before the commencement of this Act any land has remained uncultivated through default either of the landholder or of the tenant, or that cultivation of any land has seriously suffered for any other cause whatsoever, or that any land capable of being used, if reclaimed or otherwise improved howsoever, has not been so reclaimed or otherwise improved, and cultivated or that any land is remaining as a pasture land in excess of the ordinary grazing requirements of the cattle of the persons entitled to graze cattle thereon, the Government may after such enquiry as may be prescribed declare by notification in the Jarida that the management of such land shall be assumed, and such declaration shall be conclusive.]

(2) On the publication of a notification under sub-section (1), Government or an officer authorised by Government in this behalf shall appoint a manager to be in-charge of the land and the manager so appointed shall be deemed to be a public servant within the meaning of the † [Indian Penal Code, 1860 (XLV of 1860).]

Consequences of assumption of management.

52. During the period of management, that is to say, the period commencing with the publication of the notification under sub-section (1) of section 51 and ending with the termination of management under section 53, the following provisions shall have effect, namely :—

*[(*a*) Omitted.]

(*b*) all legal proceedings pending and all processes, executions or attachments in force in respect of debts and liabilities enforceable against the land shall be suspended and no fresh proceedings, processes, executions or attachments shall be instituted, issued, enforced or executed in respect thereof;

(*c*) the holder of the land shall be incompetent and the manager shall be competent—

(*i*) to enter into any contract with respect to the land,

(*ii*) to mortgage, charge, lease or alienate the land or any part thereof,

(*iii*) to grant valid receipts for rents or profits accruing from the land;

(*d*) all powers, which if the management of the land had not been assumed would have been exercisable by the landholder

* Amended by Act No. XXIII of 1951, published in Gazette Extraordinary No. (32) dated 30th June, 1951.

† Substituted by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

shall be exercisable by the manager who shall receive and recover all rents and profits due in respect of the land under management and for the purpose of recovering the same may exercise, in addition to the powers exercisable by the landholder the powers exercisable by a Collector for the recovery of land revenue;

(*e*) from the sums received on account of the land, the manager shall pay—

(*i*) the costs of management including the cost of necessary repairs;

(*ii*) the Government revenue and all sums due to the Government in respect of the land under management;

(*iii*) the rent, if any, due to any superior holder in respect of the land;

(*iv*) such periodical allowance as the Collector may from time to time fix for the maintenance and other expenses of the landholder and of such members of his family as the Collector directs; and

(*v*) the cost of such improvement of the land as he thinks necessary and is approved by the Collector;

(*f*) the manager shall pay to the landholder the balance, if any, remaining after the expenses referred to in clause (*e*) have been defrayed:

Provided that if any proceedings in respect of debts and liabilities enforceable against the land have been suspended under clause (*b*), the manager may deposit an amount, not exceeding the amount estimated to be required for the meeting of such debts and liabilities with the Court in which the proceedings were pending.

Termination of management.

53. (1) When in the opinion of Government it has become unnecessary to continue the management of the land, Government shall by notification in the Jarida terminate the management thereof.

(2) On the termination of management, the land (together with any balance of monies creditable to the landholder) shall be delivered to the landholder from whom the management was assumed or, if he is dead, to the person appearing to Government to be entitled to the land.

(3) All acts done by the manager during the period of management shall be binding on the landholder or other person to whom the land is delivered under sub-section (2).

(4) The period during which the institution of any proceeding has been prohibited by clause (*b*) of section 52 shall be excluded from the computation of the period of limitation for the institution of that proceeding.

Census of land holdings and details of cultivation.

† [53-A. (1) For the purposes of this Act generally and in particular for the administration of this Chapter, the Government may take a census of land holdings and details of cultivation in the prescribed manner.

(2) Any person who has any interest in agricultural lands, either as a landholder, mortgagee or tenant or otherwise, shall furnish fully and correctly any information that may be required of him for the purpose of the said census.

Prescription of standards of cultivation and management.

53-B. (1) With a view to bring the agricultural economy to a higher level of efficiency, the Government may, by rules, regulate standards of efficient cultivation and management.

(2) Such rules may provide for the issue of directions as regards the methods of agriculture to be adopted, the use of improved seeds, sale of surplus foodgrains, and for ensuring proper wages and terms of employment of agricultural workers, maintenance of regular and accurate accounts in respect of cultivation, and such other directions as may be necessary or desirable for the efficient utilisation of lands.

(3) Such rules shall apply to agriculturists who cultivate personally land equal to three times the family holding or more.

(4) The Government may lower the extent of the holding to which such rules shall apply.

Further power to assume for public purpose management of land not efficiently cultivated and managed.

53-C. (1) Notwithstanding any law for the time being in force of any usage or custom or the terms of any contract or grant to the contrary, the Government or any officer or authority authorised by the Government may, for a public purpose, from such date as may be notified in the Jarida and subject to the provisions of sub-section (7) as to the payment of compensation, assume the management of so much of the land held by a landholder and not in the occupation of tenants, as is in excess of four and a half times the family holding for the local area concerned unless in the opinion of the Government or such officer or authority, it is so efficiently cultivated and managed according to the standards prescribed under section 53-B that a break-up will lead to a fall in production.

Explanation I.—For the purposes of this sub-section the standard of efficient cultivation and management will apply only to land which forms a compact block.

Explanation II.—In this sub-section 'public purpose' includes settlement of landless cultivators, development of co-operative organisations and increasing the efficiency of management:

† Added by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated 4th February, 1954.

Provided that in calculating the excess of land owned by a joint family, every branch of it entitled under the Hindu Law to a share per stirpes in the property owned by the family on the partition of the family, shall be allowed one family holding even though the aggregate of such shares may exceed four and a half times the family holding:

Provided further that a declaration by Government that a land is required for a public purpose shall be conclusive evidence that the land is so required.

(2) Where in the opinion of the Government or such officer or authority the cultivation of any land by a landholder falls below the standards prescribed under section 53-B the Government or such officer or authority may, subject to the provisions of sub-sections (7) and (8) as to the payment of compensation, assume the management of the entire holding or such portion thereof as is in excess of three times the family holding in the local area concerned:

Provided that every branch of a joint family entitled under the Hindu Law on partition to a share per stirpes in the property owned by the family, shall be allowed one family holding even though the aggregate of such shares may exceed three times the family holding:

Provided further that the provisions of sub-sections (1) and (2) shall not apply to permanent fruit gardens and orchards that existed on the 1st January, 1952.

(3) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply to lands held by protected tenants as such, including lands if any, held by them as landholders.

(4) Before assuming management, the Government or such officer or authority shall give three months' notice in writing to the landholder of the intention to do so, and consider any representation he may make within the period allowed in the notice.

(5) After considering such representation, if any, the Government or such officer or authority shall communicate in writing to the landholder the decision thereon and publish the decision in the manner prescribed.

(6) On the publication of a decision to assume the management the Government or such officer or authority shall subject to the provisions of section 53-B appoint a manager to be in charge of the lands and thereafter the provisions of section 52 shall *mutatis mutandis* apply to such lands.

(7) The amount of compensation payable for assumption of management shall consist of a recurring payment determined in accordance with the provisions of section 11 and sub-section (3) of section 17 and such other sums, if any, as may be

found necessary to compensate the landholder for all or any of the following matters, namely :—

(*i*) pecuniary loss due to assumption of management ;

(*ii*) expenses on account of vacating the land the management of which has been assumed ;

(*iii*) expenses on account of re-occupying the land on the termination of the management ;

(*iv*) damage, if any, caused to the land during the period of management, including the expenses that may have to be incurred for restoring the land to the condition in which it was at the time of assumption of management.

(8) (*a*) Where the amount of compensation referred to in sub-section (7) can be fixed by agreement, it shall be paid in accordance with such agreement.

(*b*) Where no such agreement can be reached, the Government shall appoint as Arbitrator a person qualified for appointment as a District Judge.

(*c*) At the commencement of the proceedings before the Arbitrator the Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(*d*) The Arbitrator in making his award shall have regard to the provisions of section 18 of the Hyderabad Land Acquisition Act, 1309 F., so far as the same can be made applicable.

(*e*) An appeal shall lie to High Court against an award of the Arbitrator.

(*f*) The Government may make rules for carrying into effect the provisions of this sub-section and in particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*i*) the procedure to be followed in arbitration under this sub-section ;

(*ii*) the principles to be followed in apportioning the costs of proceedings before the Arbitrator and on appeal..

Appointment of Village Panchayat or Co-operative Farming Societies as Managers.

58-D. The Government may appoint a Village Panchayat or a Co-operative Farming Society as manager for the purpose of this Chapter.

Order of preference in leasing out the surplus lands.

53-E. In leasing out the lands where management is assumed under section 51 or section 53-C, preference shall be given in the following order—

Co-operative Farming Societies, agricultural workers working on the said lands, landholders or tenants who cultivate personally less than a family holding, and other landless person residing in the village.

Right of lessee to purchase lands.

53-F. (1) Any person to whom lands over which management is assumed under section 51 or section 53-C are leased shall be entitled to purchase such lands, subject to the provisions of sub-section (2), on the same terms as protected tenants are entitled to do under section 38:

Provided that the extent of land left to a landholder shall not be less than three times the area of a family holding for the local area concerned.

(2) The reasonable price payable by a person to the landholder under sub-section (1) shall not exceed twenty times the recurring payment payable as compensation under sub-section (7) of section 53-C for dry lands, twelve times in the case of wet lands irrigated by wells and nine times in the case of wet lands irrigated by other sources, of such recurring payment, but shall in no case exceed the market value of the land in the locality.

Power to acquire lands.

53-G. (1) Notwithstanding anything contained in this Chapter or any law for the time being in force or any custom, usage, decree, contract or grant to the contrary, the Government may acquire the lands, the management of which it can assume under the provisions of section 53-C subject to the payment of the reasonable price payable under the provisions of sub-section (2) of section 53-F as compensation.

(2) The Government may issue bonds on such terms as may be prescribed in payment of the whole or part of the compensation payable under the provisions of sub-section (1).

(3) The Government shall distribute the lands so acquired in the order laid down in section 53-E and may collect the price of the land so distributed at such rates as may be prescribed in a lumpsum, or in instalments from the persons to whom the lands are distributed.]

*[CHAPTER VII.

Prevention of Fragmentation and the Consolidation of Holdings.

Application of this Chapter.

54. The provisions of this Chapter, or any section or sections thereof, shall apply to such local area or areas as the Government may from time to time by notification in the Jarida specify.

*Added by Act No. III of 1954, published in Gazette Extraordinary No. (29) dated 4-2-54.

Prohibition of fragmentation.

55. No land shall be permanently alienated, leased, or sub-divided so as to create a fragment and every permanent alienation, lease or sub-division contrary to this provision shall be void.

Prohibition of fragmentation on partition.

56. (1) Where by transfer, decree, succession or otherwise, two or more persons are entitled to shares in an undivided property, and such property has to be divided among them, such partition shall be effected so as not to create a fragment and subject to provisions of sub-section (2) every partition effected contrary to this provisions shall be void.

(2) Where such sub-division or partition is made by the Court or the Collector, the following procedure shall be adopted:–

(*a*) If, in effecting a partition of property among several co-sharers, it is found that a co-sharer is entitled to a specific share in the land and cannot be given that share without creating a fragment, he shall be compensated in money for the fragment.

(*b*) If, in effecting a partition, it is found that there is not enough land to provide basic holdings to all the co-sharers, the co-sharers may agree among themselves as to the particular co- sharer or co-sharers who should be provided with basic holdings and which of them should be compensated in money. In the absence of any such agreement, the co-sharers to whom basic holdings can be provided and those to whom money compensation should be given shall be chosen by lot, in the manner prescribed.

(*c*) The compensation shall be payable by each co-sharer getting an excess over the share of land legally due to him, and such co-sharer shall deposit the amount of such compensation in the manner prescribed before taking possession of the share allotted to him. On his failure to do so, his share shall be allotted to any other co-sharer to whom land has not been previously allotted and who is chosen in the manner provided in clause (*b*) subject to the payment of similar compensation to the co-sharers, not getting shares of land.

(*d*) If none of the co-sharers to whom land has been allotted under clause (C) pays the compensation and takes the share, the share shall be sold in auction to the highest bidder, and the purchase money shall be paid to the co-sharers not getting lands in proportion to their respective shares.

(*e*) Where the parties agree upon any other method of partition which will not result in fragmentation, that method shall be followed in effecting partition.

(3) Where a partition is effected in execution of a decree all questions relating to the division of the land and apportionment of compensation shall be decided by the court executing the decree or by the Collector effecting the partition, as the case may be, in accordance with the provisions of sub-section (2).

Notification of intention to prepare a scheme of consolidation of holdings.

57. Government may of its own motion or on application made in this behalf by two-thirds of the total number of landholders and protected tenants of a village or contiguous villages holding between them not less than half the area comprised in all the plots in the village or contiguous villages declare by a notification in the Jarida and by publication in the prescribed manner in the village or villages concerned its intention to make a scheme for consolidation of the holdings in such village or villages or parts thereof as may be specified.

Appointment of Consolidation Officer.

58. The Deputy Collector shall be the Consolidation Officer for the area under his jurisdiction, provided the Government may appoint any other person as Consolidation Officer for any local area.

Preparation of a draft scheme.

59. The Consolidation Officer shall, after such enquiry as he thinks fit, prepare a draft scheme for the consolidation of holdings in the village or villages, publish it in the prescribed manner, hear objections thereto and make such modifications in his scheme as he may think fit. Thereupon he shall submit his final draft scheme to the Collector for confirmation.

Payment of compensation.

60. If, in the redistribution of lands in any scheme any person is allotted land of less market value than his original holding, the Consolidation Officer may provide in the scheme for payment to him of compensation for such deficiency. He may also fix the assessment including water-rate, if any, payable in respect of each reconstituted holding.

Consideration of draft scheme by the Collector.

61. (1) The draft scheme submitted by the Consolidation Officer to the Collector shall be published in the prescribed manner in the village or villages concerned.

(2) Within thirty days of such publication, any person likely to be affected by such scheme may present to the Collector, his objections, if any, to the scheme.

(3) The Collector shall consider all the objections received by him and shall after such further enquiry, if any, as he may think fit, either confirm it with or without modifications or refuse to confirm it.

Publication of final scheme and giving effect to it.

62. (1) The final scheme as confirmed by the Collector shall be published in the Jarida and also in such other manner as may be prescribed, and such scheme shall take effect from the beginning of the next year, following such publication and be binding on all the land holders and tenants in the villages.

(2) The landholders and tenants affected by the scheme shall, with effect from such date, be entitled to, and to take possession of, the respective holdings allotted to them in the redistribution.

(3) The Consolidation Officer shall, if necessary by warrant put them in possession of the holding to which they have become entitled;

Provided that no landholder or tenant shall be entitled to possession of a holding allotted to him in the redistribution unless he has previously deposited in the prescribed manner the compensation, if any, payable by him under the scheme:

Provided further that if any landholder or tenant fails to make such deposit, the Consolidation Officer may sell his holding in auction and pay the purchase money realised to the landholder or such other persons as may be found to have an interest in the land.

Grant of Registered Certificate.

63. The Consolidation Officer shall grant to every landholder to whom a holding has been allotted in pursuance of a scheme of consolidation, a certificate in the prescribed form duly registered under the Indian Registration Act, 1908, and no further instrument shall be necessary to effect any transfer involved in the scheme of consolidation.

Assessment and recovery of cost.

64. Subject to any general or special order of the Government in this behalf, the cost of carrying out the scheme of consolidation shall be assessed in the prescribed manner and be recoverable from the landholders and tenants whose lands are affected thereby, in such proportion as may be fixed by the Consolidation Officer.

Rights of persons to whom holdings have been allotted.

65. (1) Every person to whom a holding has been allotted in pursuance of a scheme of consolidation shall have the same rights in such holding as he had in his original holding.

(2) If the original holding of any person included in a scheme of consolidation was burdened with a lease, mortgage or other encumbrance such lease, mortgage, or other encumbrance shall be transferred therefrom and attach itself to the holding allotted to him under the scheme, or to such part of it as the Consolidation Officer may determine and the lessee, mortgagee or other encumbrancer, as the case may be, shall exercise his rights accordingly.

(3) If the holding to which a lease, mortgage or other encumbrance is transferred under sub-section (2) is of less market value than the original holding from which it is transferred, the lessee, mortgagee or other encumbrancer, as the case may be, shall be entitled to the payment of such compensation by the person concerned, as the Consolidation Officer may determine.

(4) The Consolidation Officer shall put any lessee, mortgagee or other encumbrancer entitled to possession into the possession of the holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (2).

Stay of proceedings.

65-A. During the pendency of the consolidation proceedings under this Chapter, all proceedings judicial or otherwise for partition of lands in the area concerned and all proceedings for transfer of registry in the revenue accounts shall be stayed.]

CHAPTER VIII.

Co-operative Farms.

Formation of a Co-operative Farm.

**[66. Any ten or more persons of a village or two or more contiguous villages holding between them, either as landholders or protected tenants, rights in and possession over 50 acres or more in such village or contiguous villages and desiring to start a Co-operative Farm comprising the land so held and possessed by them may apply in writing in the prescribed form to the Registrar appointed under the *[Hyderabad Co-operative Societies Act, 1952] (hereinafter referred to as the Registrar) for the registration thereof.]

Application for Registration.

67. An application for the registration of a Co-operative Farm shall be accompanied by extracts from the Record of Rights or other records showing the total area with the Survey Numbers of all the fields held by each of the applicants in the village or contiguous villages and shall contain such further particulars as may be prescribed.

Registration of a Co-operative Farm.

68. **[(1) After making such enquiry as may be prescribed, the Registrar shall, unless he is satisfied that it is not in the best interests of all concerned to do so, register the Co-operative Farm under the *[Hyderabad Co-operative Societies Act, 1952] and grant a certificate of registration.]

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Collector for such action as may be prescribed.

Land held by a member to be transferred to the Farm.

69. When a Co-operative Farm has been registered under section 68, all lands in the village or contiguous villages held by a member, shall, for so long as the registration of the Co-operative Farm is not cancelled, be deemed to be transferred to and held by the Co-operative Farm, which shall thereupon hold such land and may use it for agricultural purposes or for the purposes of the development of Cottage Industries.

Formation of a Co-operative Farm of holdings below the family holding.

70. If not less than two-thirds of the total number of landholders holding rights in † holdings below the family holding in a village or contiguous villages and holding between them not less than two-thirds of the aggregate area comprised in all such †[holdings below the family holding] in the village or contiguous villages, apply jointly to the Collector in the prescribed form for the establishment of a Co-operative Farm, the Collector shall, by notice require all the landholders holding the remainder of such †[holdings below the family holding] in the village or contiguous villages to show cause why a Co-operative Farm comprising all the lands included in all the †[holdings below the family holding] in the village or contiguous villages be not established and constituted.

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*Amended by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

**Added by Act No. XXIII of 1951, published in Gazette Extraordinary No. 32, dated 30th June, 1951.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Disposal of objections.

71. The Collector shall in accordance with the prescribed procedure hear the objection or objections of the landholders who may desire to be heard, and after hearing them he shall, unless he is satisfied that it is not in the best interests of the persons affected, order that a Co-operative Farm consisting of all the lands comprised in the †[holdings below the family holding] in the village or contiguous villages be established.

Service of order under section 71.

72. Notice of an order passed under section 71 directing a Co-operative Farm to be established shall be served on every person affected and shall be proclaimed in the village or contiguous villages in the prescribed manner.

Registration of the Co-operative Farm of holdings below the family holding.

73. (1) The Collector shall cause a copy of any order passed under section 71 or on appeal under section 90 from an order so passed directing that a Co-operative Farm be established, to be forwarded to the Registrar, who shall thereupon register the farm under the Hyderabad Co-operative Societies Act, 1952 and shall grant a certificate of registration.

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Collector for such action as may be prescribed.

Lands in the holdings below the family holding to be transferred to the farm.

74. When a Co-operative Farm has been registered under section 73, all lands comprised in the †[holdings below the family holding] in the village or contiguous villages held by any landholders shall, for so long as the registration of the Co-operative Farm is not cancelled, be deemed to be transferred to and held by the Co-operative Farm which shall thereupon hold such land for the purposes of agriculture or of the development of Cottage Industries.

Acquisition of lands of a land holder not joining the Farm.

75. Where any landholder, who holds a † [holding below the family holding] in a village or contiguous villages in which a Co-operative Farm has been registered is unwilling to join the Farm, he shall, on an application made to the Collector in that behalf within three months of the grant of the certificate of registration, be entitled to be paid such compensation on such principles and in such manner as may be prescribed for his interests in the land mentioned in section 74 and thereupon all his interests in such land shall stand transferred to and be vested in the Co-operative Farm and he shall cease to be a member of the Farm.

Consequences of registration.

76. When a certificate of registration in respect of any Co-operative Farm has been granted under section 68 or 73, the provisions of the *[Hyderabad Co-operative Societies Act, 1952] shall, so far as they are not inconsistent with the provisions of this Act or of the rules made thereunder, be applicable thereto.

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† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29 dated 4-2-1954.

* Amended by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

Bye-laws of the Farm.

77. Every application under section 67 or 70 shall be accompanied by a copy of the proposed bye-laws of the Co-operative Farm and such bye-laws shall be deemed to be the bye-laws required to be filed under the provisions of the*[Hyderabad Co-operative Societies Act, 1952.]

Amendment of the bye-laws by the Registrar.

78. The Registrar may, at any time on an application made by a majority of the members of a Co-operative Farm, or on his own motion after giving notice to the Farm in such manner as may be prescribed, amend the bye-laws.

Land contributed to the Farm to continue to vest in the landholder thereof.

79. Nothing in this Chapter shall be deemed to cause the interest of a landholder in land contributed by or on his behalf to a Co-operative Farm to cease to vest in him.

Rights, privileges, obligations and liabilities of members.

80. Every member of a Co-operative Farm shall be entitled to such rights and privileges, be subject to such obligations and liabilities, and be bound to discharge such duties as may be prescribed.

Contribution by a member.

81. Subject to such exceptions as may be prescribed every member shall be bound to contribute to the Co-operative Farm to the extent and in the manner prescribed :—

(*i*) funds,

(*ii*) personal labour,

(*iii*) agricultural implements, agricultural stock and such other articles as may be prescribed.

Liablity of the Farm to land revenue and other dues.

82. A Co-operative Farm shall, as from the date on which it is constituted, be liable for the payment of all the land revenue, cesses and local rates payable by the landholder in respect of the land held by it under section 69 or 74.

Admission of new members.

83. Any person, who is a resident of the village or contiguous villages in which a Co-operative Farm is situate may be admitted as a member thereof upon such terms and conditions as may be prescribed.

Heirs entitled to become members of the Farm.

84. When a member, whose land is held by a Co-operative Farm, dies, his heirs shall become members of the Co-operative Farm.

Loan to a Co-operative Farm.

85. (1) Government may upon an application made in that behalf by a Co-operative Farm, advance loans to the Farm to such extent and in such manner as may be prescribed for the purpose of payment of compensation under section 75.

(2) Any loan advanced under sub-section (1) shall be repaid in such manner and in such instalments as may be prescribed and, notwithstanding anything contained in any law for the time being in force, it shall be the first charge on all the lands for the time being comprised in the Farm.

*Amended by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

Concessions and facilities for the Co-operative Farm.

86. (1) A Co-operative Farm shall be entitled to such concessions and facilities as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision the prescribed concessions and facilities may include—

(*a*) reduction of land revenue;

(*b*) reduction of or exemption from agricultural income tax;

(*c*) free technical advice from experts employed by the Government;

(*d*) financial aid and grant of subsidies and loans with or without interest; and

(*e*) priority in irrigation from State irrigation works.

CHAPTER IX.

Constitution of Tribunal; Procedure and Powers of Authorities; Appeals etc.

Constitution of Tribunals.

87. (1) The Government may, by notification in the Jarida, constitute an Agricultural Lands Tribunal for any area specified in the notification.

(2) Every Tribunal constituted under sub-section (1) shall consist of three or more members, one of whom shall be appointed in the notification constituting the Tribunal to be the President of the Tribunal.

(3) One at least of the members of every Tribunal constituted under sub section (1) shall be a person who has for a period of not less than three years held judicial office not lower in rank than that of a Munsiff, or if no such person is available, a person who has for a like period held a land revenue office not lower in rank than that of a Tahsildar.

(4) In any area for which a Tribunal has not been constituted under sub-section (1), all the powers and duties conferred and imposed on the Tribunal by or under this Act shall be exercised and discharged by the Deputy Collector or by such other officer as Government may authorise in this behalf.

Constitution of Land Commission and their functions.

†[87-A. (1) The Government shall establish a Commission to be called the Hyderabad Land Commission which shall consist of not more than seven persons of whom :—

(*a*) three shall be elected by the Legislative Assembly in the prescribed manner;

(*b*) one shall be an official nominated by the Government; and

(*c*) the rest shall be nominated by the Government from among persons having special knowledge or practical experience in agriculture or land problems.

†Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

(2) The members of the said Commission shall hold office for a term of [*two years, The Government may extend the term for such period not exceeding one year as it may consider necessary.]

(3) The Government shall nominate one of the members as the Chairman.

(4) Subject to the provisions of this Act and any rules which may be made by the Government in this behalf it shall be the duty of the said Commission to advise the Government in fixing the extent of the basic and family holdings, and the areas to which they apply in matters relating to assumption of management or acquisition of lands by the Government; prevention of fragmentation and consoldiation of holdings and generally in regard to the agrarian policy which the Government may from time to time formulate for the administration of this Act in the State.

(5) The said Commission shall function as an advisory body and shall discharge such other functions as may be prescribed :

Provided that if the Government finds itself unable to accept the advice given by the said Commission on any subject it shall give the said Commission an opportunity to represent their views before coming to a decision.

(6) The Government may establish an area Land Commission for a District or a part of the District and shall, in consultation with the Hyderabad Land Commission established under sub-section (1), determine by a notification in the Jarida, the composition, functions and powers of the Area Land Commission :

Provided that when the area Land Commission is empowered to decide any matter involving individual rights an appeal in the prescribed manner against such decisions shall lie to the Hyderabad Land Commission established under sub-section (1).

Additional functions of Tahsildar, Tribunal and Collector and vesting of powers in a Village Panchayat or a Co-operative Farming Society.

88. †[(1)] The Tahsildar, the Tribunal and the Collector shall, in addition to exercising the powers and discharging the duties conferred upon them by any provision of this Act, perform such other function in relation to this Act as may be prescribed and shall decide such other questions as may be referred to them by Government.

[†(2) The Government may by notification in the Jarida vest in any other officer or authority such as a Village Panchayat or a Co-operative Farming Society any of the powers or duties conferred by or under this Act on the Tahsildar, the Deputy Collector or the Collector.]

Procedure and powers at inquiries.

89. (1) The provisions of sections 149 and 150 of the Land Revenue Act shall apply to the recording of evidence and of decisions at inquiries held under this Act.

* Substituted by Act No. III of 1956, published in Gazette Extraordinary No. 46, dated 12th March, 1956.

† Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

(2) For the purposes of any such inquiry the Tahsildar, Tribunal and Collector may exercise all or any of the powers conferred on Civil Courts by the †[Code of Civil Procedure, 1908] including the power to award costs.

Appeals and revisions.

†[90. (1) From every order other than an interim order passed by the Tahsildar or the Deputy Collector or the Tribrunal under this Act, an appeal shall lie to the Collector and the orders of the Collector on such appeal shall be final.

(2) From every original order other than an interim order passed by the Collector, an appeal shall lie to the Board of Revenue and the order of the Board of Revenue on such appeal shall be final.

(3) There shall be no appeal from any interim order passed by the Tahsildar or Deputy Collector or Tribunal or Collector in any case, but an application for revision on the grounds mentioned in section 91 shall lie from an interim order passed by the Tahsildar or Deputy Collector to the Collector.

Transfer of appeal or proceeding.

†90-A. The Collector may on his own motion or on an applicaton made in this behalf by any party to the proceedings, after due notice to the parties by an order in writing :—

(*a*) transfer any proceeding or any appeal under this Act pending before a Tahsildar or any other officer subordinate to him to any other officer in the district empowered in this behalf by the Government and the officer to whom the proceeding or appeal is so transferred shall thereupon exercise jurisdiction under this Act in any such proceeding or appeal, or

(*b*) withdraw any proceeding or appeal from such officer and himself hear and decide the same or transfer it for disposal to some other officer in the district empowered in this behalf by the Government.

Revisions.

†91. Notwithstanding anything contained in this Act or any other law for the time being in force, an application for revision shall lie to the High Court from any final order passed on appeal by the Collector or Board of Revenue on the following grounds :—

(*a*) that the original or appellate authority exercised a jurisdiction not vested in it by law, or,

(*b*) that the original or appellate authority failed to exercise a jurisdiction so vested, or,

(*c*) in following the procedure or passing the order, the original or appellate authority acted illegally or with material irregularity.]

Powers exercisable on appeal or revision.

92. An authority exercising appellate or revisional jurisdiction under this Act shall pass such order consistent with this Act, whether by way of confirmation, recession or modification of the order under appeal or revision, as appears to it to be just, and shall have the powers conferred on the original authority by sub-section (2) of section 89.

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†Added by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Limitations.

93. Every appeal and every application for revision under this Act shall be filed within sixty days from the date of the order against which the appeal or application is filed and the provisions of the † [Indian Limitation Act, 1908] shall apply for the purposes of the computation of the said period.

Execution of orders.

94. When an original, appellate or revisional order under this Act involves the payment of money by any person, the money shall be recoverable from such person as if it was an arrear of land revenue and where such order involves the putting of any person in possession of land it shall be executed † [in the prescribed manner.]

Court fees.

95. Notwithstanding anything contained in the Hyderabad Court Fees Act (VI of 1324 F.) every original application, every appeal and every application for revision filed under this Act shall bear a court fee stamp of such value as may be prescribed.

CHAPTER X.

Offences and Penalties.

Offences and penalties.

96. (1) Whoever contravenes any provision of any of the sections or sub-sections mentioned in the first column of the following table shall, on conviction for such contravention, be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended to be definitions of the offences described in the sections or sub-sections mentioned in the first column, or even as abstracts of those sections and sub-sections, but are inserted merely as a reference to the subject-matter of the sections or sub-sections, the numbers of which are given in the first column.

[*Statement*

†Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February, 1954.

Section, sub-section or clause	Subject	Fine which may be imposed
1	2	3
Section 6 ..	Making or taking a lease after three years from the commencement of the Act	1,000
Section 8 ..	Grant or acceptance of tenancy for more or less than 10 years ..	1,000
†[ ]	†[ ]	†[ ]
Section 14 (3) ..	Receipt of rent in the form of labour or service	1,000
Section 16 ..	Levy of cess, rate, tax or service which has been abolished ..	1,000
Section 19 (1) ..	Unlawful termination of tenancy ..	1,000
Section 29 (2) ..	Failure to give written receipt for the amount of rent received ..	100
Section *[32 (2)] ..	Taking possession of land or dwelling house	1,000

(2) Notwithstanding anything contained in the †[Code of Criminal Procedure, 1898] a contravention of the provisions of section 14 or section 16 shall be a cognisable offence.

General provision as to penalties.

†[96-A. Whoever contravenes any provision of this Act for which no penalty has been otherwise provided therein shall be punishable with fine not exceeding Rs. 500.]

CHAPTER XI.

Miscellaneous.

Rules.

97. (1) Government may by notification in the Jarida make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the admission, resignation and expulsion of members of Co-operative Farms registered under Chapter VIII;

†Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4th February., 1954.

*Amended by Act No. XIII of 1951, published in Gazette Extraordinary No. 18, dated 31st March, 1951.

(*b*) the consequences of such resignation or expulsion and the satisfaction of the claims of the member resigning or expelled as respects land, funds, agricultural stocks and implements, contributed by him to such Co-operative Farms;

(*c*) the remuneration and wages to be paid to members working on such Co-operative Farms;

(*d*) the payment of the expenses and other dues of such Co-operative Farms; and the distribution of the produce and profits thereof;

(*e*) the filing or defending of suits, and the manner of execution of contracts and other documents, by or on behalf of such Co-operative Farms;

(*f*) the liquidation of the personal debts of member of such Co-operative Farms and the regulation of their credit;

(*g*) the directions to be given by the Government for agricultural development and for controlled or planned agricultural production by such Co-operative Farms;

(*h*) the conduct generally of the affairs of such Co-operative Farms; and

(*i*) any other matter which is to be or may be prescribed.

*[(3) In making a rule under this Act the Government may provide that its contravention shall be punishable with fine not exceeding Rs. 500].

Summary eviction.

98. Any person unauthorisedly occupying or wrongfully in possession of any land—

(*a*) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act, or

(*b*) the management of which has been assumed under the said provisions, or

(*c*) to the use and occupation of which he is not entitled under the said provisions,

may, if the said provisions do not provide for the eviction of such person, be summarily evicted by the Collector.

Bar of Jurisdiction.

99. (1) †[Save as provided in this Act] no Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Tahsildar, Tribunal or Collector or by the Board of Revenue or Government.

(2) No order of the Tahsildar, Tribunal or Collector or of the Board of Revenue or Government made under this Act, shall be questioned in any Civil or Criminal Court.

Control.

100. Government shall have the same authority and control over Tahsildars, Collectors and the Board of Revenue acting under this Act as they have and exercise over them in the general land revenue administration.

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†Amended by Act No. III of 1954, published in Gazette Extraordinary No. (29), dated 4th February, 1954.

*Added by Act No. III of 1956, published in Gazette Extraordinary No. (29). dated 12th March, 1956.

Delegation of powers to the Board of Revenue.

*[100—A. The Government may by notification in the Jarida delegate to the Board of Revenue all or any of the powers conferred on Government by or under this Act subject to such conditions as may be specified in the notification.]

Indemnity.

101. No suit or other proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

Act not to apply to certain lands and areas.

102. Nothing in this Act shall apply—

‡(*a*) to lands leased, granted, alienated or acquired in favour of or by the Government, a local authority or a Co-operative Society :

*[Provided that nothing in this clause shall apply to Inams, †[lands dealt with under Chapter VI] and to such other lands as may be prescribed ;]

(*b*) to lands held on lease †[with the permission of the Collector] for the benefit of an industrial or commercial undertaking ;

(*c*) to service Inam lands ;

(*d*) to Inams held by religious or charitable institutions ; or

(*e*) to any area which Government may, from time to time, by notification in the Jarida, specify as being reserved for urban, non-agricultural or industrial development.

Repeal and saving.

103. ‡[(1)] The Prevention of Agricultural Land Alienation Act, (III of 1349F.) and the Hyderabad Assami Shikmis Act, (I of 1354F.) are hereby repealed :

Provided that any appointment, rule, order, notification or proclamation made or issued, any lease, right or liability granted, fixed, acquired or incurred, and any other thing done under either of the Acts repealed hereby shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been respectively made, issued, granted, fixed, acquired, incurred or done under this Act made, shall continue in force until it is superseded thereunder ;

‡[Provided further that the repeal of the said Acts shall not affect—

(*a*) the previous operation of the Acts repealed hereby or anything done or suffered thereunder ;

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed ;

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Acts so repealed;

* Amended by Act No. XXIII of 1951, published in Gazette Extraordinary No. (82), dated 30-6-1951.

† Amended by Act No. III of 1954, published in Gazette Extraordinary No. 29, dated 4-2-1954.

‡ Amended by Act No. XIII of 1951, published in Gazette Extraordinary No. (18) dated 31st Mar.

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and, any such investigation, legal proceeding or remedy may be instituted, continued or enforced, or any such penalty, forfeiture or punishment may be imposed as if the said Acts aforesaid had not been repealed.

‡(2) Notwithstanding anything contained in the second proviso to sub-section (1), clause (*c*) of sub-section (2) of section 10 of the Prevention of Agricultural Land Alienation Act (III of 1349 F.) shall for the purposes of the said proviso have effect as though for the said clause the following clause was substituted, namely :—

'(*c*) if the amount received by the mortgagee from the mortgagor in case of a simple mortgage or the value of the benfits realised by the mortgagee from the possession of land together with the amounts paid by the mortgagor to the mortgagee in case of an usufructuary mortgage is less than the amount due, the Collector shall, on the mortgagor paying the amounts due in cash, terminate the mortgage by an order in writing and if the mortgagee is in possession of the land, he shall place the mortgagor in possession thereof. If the mortgagor fails to pay the amount due, the Collector shall order that the land, if it is already in the possession of the mortgagee shall continue to be in his possession for such period not exceeding 10 years, as may be considered by the Collector reasonable for the payment of the amount due after the expiry of which the land shall be restored to the possession of the mortgagor.]

104. This Act and any rule, order or notification made or issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment with respect to matters enumerated in List II in the Seventh Schedule to the Constitution of India or in any instrument having effect by virtue of any such other enactment. Act to prevail over other enactments.

‡ Amended by Act No. XIII of 1951, published in Gazette Extraordinary No. (18), dated 31st March, 1951.